

## Legislative History

This section provides information on how Firefighter and Law Enforcement Officer retirement started and highlights Public Laws which have significant impact on the Firefighter and Law Enforcement Officer Retirement program. The Public Laws are interpreted by OPM into regulations. The regulatory references are in 5 USC 8336(c) and 8412(d), and 5 CFR 831.901-911 and 842.801-809.

**Public Law 80-168**, approved July 11, 1947, Congress extended to agents and similar employees of the Federal Bureau of Investigation preferential retirement provisions.

Retirement eligibility at age 50 after at least 20 years of service in certain positions

- Incentive for employees to remain in Federal service rather than leave for higher paying jobs in private industry.
- Reward special agents for their arduous, hazardous work.
- Encourage experienced agents to continue in service would benefit the government, yet a vigorous youthful workforce would be maintained.
- Maintain a young and vigorous staff of law enforcement officers.

**Public Law 80-879**, approved July 2, 1948, extended the previously authorized benefits for agents of the FBI to other Federal employees in similar positions with similar duties.

- Employees covered were those whose primary duties were the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States (including any officer or employee engaged in such activity who had been transferred to a supervisory or administrative position).
- The head of each agency was responsible for recommending, on an individual basis, applications for the preferential retirement.
- The Civil Service Commission (later renamed Office of Personnel Management), in turn, was to determine whether each applicant's duties satisfied the criteria set forth in law.
- In arriving at these determinations, full consideration was to be given to the degree of hazard to which the officer or employee was subjected in the performance of his duties.

**Public Law 92-382**, approved August 14, 1972; Federal firefighters obtained the special retirement benefit previously available only to law enforcement officers.

**Public Law 93-350**, approved July 12, 1974, changed the law significantly in entitlement criterion; benefits computation; and age and service retirement eligibility requirements. Significant points:

- Hazard as a criterion for entitlement was deleted.
- The benefits formula was changed to 2½ percent of high-three years average salary for the first 20 years; and 2 percent for each year exceeding 20 years.
- The rate of the retirement contribution was increased an extra 1/2 percent retirement deductions to start in the first pay period which begins after December 31, 1974.
- Allows employees to retire at age 50 after 20 years service as law enforcement officer and/or firefighter personnel, **regardless of the employee's job at the time of retirement.** Effective

January 1, 1978, law enforcement officers and firefighters became subject to automatic separation at age 55, provided they had completed 20 years of qualifying service.

- Agency heads were authorized, with the concurrence of the OPM, to establish the minimum and maximum limits of age within which an original appointment might be made to a position as a law enforcement officer or firefighter, as defined in 5 USC 8331(20) and (21).

**Public Law 99-335**, approved June 6, 1986, The "Federal Employees Retirement System" (FERS) definitions take effect January 1, 1987. This established somewhat different criteria for special retirement under FERS rules (5 USC 8412(d)). CSRS definitions of law enforcement officer and firefighter, as well as CSRS regulatory procedures, apply to all service before January 1, 1987.

- Authority to determine coverage was delegated to agency heads, with strict limitations on re-delegation of authority.
- Coverage should be primarily based on position coverage, rather than individual coverage.
- Emphasized the requirement for "rigorous" duties for primary positions.
- The definition of firefighter was changed, eliminating the "maintenance and use of firefighting apparatus and equipment."
- The law enforcement definition was expanded to include personnel previously under the DC government, by adding those who provide "protection of officials of the United States against threats to personal safety."
- Further restricted the "transfer" requirement, when going from a primary position to a secondary position. Employee must be in the FERS retirement system, and have three years of primary/rigorous coverage.
- Established an annuity formula of 1.7 percent of high-three years average salary for the first 20 years; and 1 percent for each year exceeding 20 years, allowing a special Social Security Supplement until age 62.

**Public Law 101-509**, approved November 5, 1990.

- Changed mandatory retirement for Law Enforcement Officers to age 57, effective the date of the legislation.
- Added special pay for positions at grades GS-10 and below, which meet the LEO definitions in 5 CFR 550.103.

**December 7, 1993**, determinations of position coverage, individual service credit determinations and individual position coverage requests were delegated to the agency heads for both CSRS and FERS.

**Public Law 107-27**, approved August 20, 2001, changed the mandatory retirement for firefighters to age 57, effective the date of the legislation.

#### **Summary:**

Special retirement benefits for Law Enforcement Officers started with a Public Law in 1948. Subsequent legislation has changed eligibility criteria, benefits and added Firefighters. The intent is to enhance the recruitment and retention of a young and vigorous workforce in rigorous firefighter and law enforcement officer positions.